

**UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIE JONES and TAMIKA JONES, h/w
1602 Pennington Road
Philadelphia, PA 19151

Plaintiffs

v.

TEXAS ROADHOUSE HOLDINGS, LLC
6040 Dutchman's Lane, Suite 400
Louisville, KY 40205

Defendant

DOCKET NO.: 2024-

CIVIL ACTION COMPLAINT

1. Plaintiff, Willie Jones, (hereinafter referred to as "Mr. Jones") is an adult individual and citizen of the Commonwealth of Pennsylvania residing at 1602 Pennington Road, Philadelphia, Pennsylvania 19151.
2. Plaintiff, Tamika Jones, (hereinafter referred to as "Ms. Jones") is an adult individual and citizen of the Commonwealth of Pennsylvania residing at 1602 Pennington Road, Philadelphia, Pennsylvania 19151.
3. All references to "Plaintiffs" in the plural refer to Mr. and Ms. Jones.
4. At all times material hereto, Plaintiffs were lawful spouses.
5. Defendant, Texas Roadhouse Holdings, LLC, (hereinafter referred to as "Texas Roadhouse") is, upon information and belief, a corporation or other entity existing under and by virtue of the laws of the State of Delaware with a principal place of business located at 6040 Dutchman's Way, Suite 400, Louisville, Kentucky, 40205.

ALLEGATIONS OF JURISDICTION AND VENUE

6. Jurisdiction in this matter is based upon diversity of citizenship in accordance with 28 U.S.C. Section 1332.
7. The Plaintiffs are seeking damages in excess of \$75,000 exclusive of interest, costs, and attorney's fees.
8. The Plaintiffs are citizens of the Commonwealth of Pennsylvania.
9. The Plaintiffs reside in Philadelphia County of the Commonwealth of Pennsylvania.
10. The Defendant's principal place of business is in the Commonwealth of Kentucky.
11. The Defendant is a citizen of the Commonwealth of Kentucky.
12. The Defendant is incorporated in the State of Delaware.
13. Mr. Jones was injured in the County of Bucks, Commonwealth of Pennsylvania.
14. The United States District Court for the Eastern District of Pennsylvania encompasses Bucks County of the Commonwealth of Pennsylvania.
15. Venue is proper in the United States District Court for the Eastern District of Pennsylvania under 28 U.S.C. Section 1391(a).

OPERATIVE FACTS

16. At all times material hereto, Defendant owned, maintained, and/or controlled a "Texas Roadhouse" restaurant located at 1545 Street Road, Bensalem, PA 19020.
17. At all times material hereto, Defendant, acted and failed to act by and through it duly authorized agents, servants, workers, and employees, including but not limited to the employee that struck Mr. Jones with a serving tray.
18. On July 2, 2022, Mr. Jones, then age 60, was a patron, and business invitee, at Defendant's restaurant located at 1545 Street Road, Bensalem, PA 19020.

19. On that date, Mr. Jones was standing in the busy lobby, waiting to be seated.
20. While at the restaurant, a female employee of the Defendant carelessly and negligently approached Mr. Jones from behind, while attempting to make her way through the crowded lobby.
21. Suddenly and without warning, the Defendant's employee struck Mr. Jones from behind, knocking him to the ground.
22. Defendant's employee also fell to the ground after the impact.
23. Plaintiffs do not know the name of Defendant's employee, but reported the accident to the manager on duty.
24. "Bethanie Cantrell," a Compensation and Stock Coordinator employed by Defendant, sent a post card to Mr. Jones on or about August 16, 2022, acknowledging that Defendant was on notice of the accident.
25. Mr. Jones presented to the Lankenau/Main Line Health Emergency Room shortly after the accident, complaining of left knee and low back pain that was constant, which worsened with movement.
26. Mr. Jones, who had a prior history of back pain requiring epidurals, had his pre-existing back condition severely aggravated by the accident and his fall.
27. Mr. Jones has treated with Temple University Hospital Neurosurgery, Temple University Hospital Pain Management, Ivy Rehab Physical Therapy, and Mercy Home Health in an effort to cure the pain caused by Defendant's employee and the accident.
28. Mr. Jones underwent a lumbar steroid injection after the accident, in an effort to cure the pain caused by Defendant's employee and the accident.

29. At the time of the accident Mr. Jones was in chronic kidney failure and underwent regular dialysis. As such, Mr. Jones was unable to take pain medication for the pain he rated as “shooting and stabbing” and an 8-10/10 VAS.

COUNT I – NEGLIGENCE
WILLIE AND TAMIKA JONES v. TEXAS ROADHOUSE HOLDINGS, LLC

30. The preceding paragraphs are incorporated by reference as if fully set forth herein.

31. The negligence, carelessness, and/or recklessness of Defendant Texas Roadhouse Holdings, LLC, individually and by and through its duly authorized agents, servants, employees, owners, officers and/or workmen, includes the following:

- a. Failure to exercise reasonable care;
- b. Knocking into Mr. Jones from behind;
- c. Knocking Mr. Jones to the ground;
- d. Causing injury to Mr. Jones;
- e. Defendant’s employee attempting to move through the crowd at high speed and running into Mr. Jones;
- f. Failing to retain only competent personnel;
- g. Failing to maintain sufficient man power to appropriately oversee the restaurant; and
- h. Failing to note Mr. Jones’ presence on the restaurant floor and avoid contact.

32. As a direct and proximate result of the negligence and carelessness of Defendant, Mr. Jones suffered injuries that include but not limited to sprains of his left knee and an aggravation of prior back injuries, to his great detriment and loss.

33. As a direct and proximate result of the negligence and carelessness of Defendant, Mr. Jones underwent painful medical care including physical therapy and a lumbar steroid injection, and may need surgery in the future, to his great detriment and loss.

34. As a direct and proximate result of the negligence and carelessness of Defendant, Plaintiff suffered economic losses in the nature of medical bills in the past and may need additional medical care in the future, work loss in the past and the potential for work loss in the future, to his great detriment and loss.

35. As a direct and proximate result of the negligence, carelessness, and/or recklessness of Defendant, Plaintiff suffered a loss of life's pleasures and the loss of the ability to enjoy life, was/is unable to engage in her usual and customary daily activities and avocations, to her great detriment and loss.

WHEREFORE Plaintiffs demands judgment in their favor and against Defendant in an amount in excess of Seventy-Five Thousand (\$75,000) Dollars, together with delay damages and any other amounts to which they are entitled under the law.

COUNT II – LOSS OF CONSORTIUM
WILLIE AND TAMIKA JONES v. TEXAS ROADHOUSE HOLDINGS, LLC

36. The preceding paragraphs are incorporated by reference as if fully set forth herein.

37. At all times material hereto, Mr. and Ms. Jones were husband and wife.

38. Solely as the result of the carelessness of the Defendant, Ms. Jones was been caused to suffer, and may suffer in the future, the loss of society, support, and companionship of her husband.

WHEREFORE Plaintiffs demands judgment in their favor and against Defendant in an amount in excess of Seventy-Five Thousand (\$75,000) Dollars, together with delay damages and any other amounts to which they are entitled under the law.

Respectfully submitted,

SMITH MIRABELLA BLAKE

BY: 

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